

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
CIVIL NO. 22-1203 (DSD/DJF)

Rita Mathiason,

Plaintiff,

v.

**ORDER**

Shutterfly, Inc.,

Defendant.

This matter is before the court on the objection by plaintiff Rita Mathiason to the May 16, 2023, order of Magistrate Judge Dulce J. Foster granting Mathiason's motion for leave to amend her complaint to include a claim for punitive damages (Order).

The district court will modify or set aside a magistrate judge's order on a nondispositive issue only if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); D. Minn. L.R. 72.2(a). This is an "extremely deferential" standard. Reko v. Creative Promotions, Inc., 70 F. Supp. 2d 1005, 1007 (D. Minn. 1999). "A finding is clearly erroneous when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." Chakales v. Comm'r of Internal Revenue, 79 F.3d 726, 728 (8th Cir. 1995) (citations and internal quotation marks omitted). "A decision is

contrary to law when it fails to apply or misapplies relevant statutes, case law or rules of procedure." Knutson v. Blue Cross & Blue Shield of Minn., 254 F.R.D. 553, 556 (D. Minn. 2008) (citations and internal quotation marks omitted).

Based on its review of the record and applicable caselaw, the court determines that the magistrate judge's thorough Order correctly concluded that Mathiason's proposed amended complaint adequately pleads a claim for punitive damages.

Accordingly, based on the above, **IT IS HEREBY ORDERED** that the objection [ECF No. 56] to the magistrate judge's Order is overruled.

Dated: June 13, 2023

s/David S. Doty  
David S. Doty, Judge  
United States District Court